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Juridical exploration in women's urban management contribution

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Abstract
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The issue under women's involvement or lack of involvement in political and social activities refers to one of the most controversial issues to which a large body of scientific efforts and discussions has allocated. One of these activities includes tenure of religious authority by women which is of great importance due to abundant outcomes. The present research intends to examine juridical exploration in women's urban management contribution. This research has indicated using library study, descriptive-analytical method and data collection via note taking instruments that there is no convincing reason to disturb the tenure of religious authority by women, and as a result we perceive using evidence to attribute authority of women and/or the condition to not know gender in issuing fatwas that women like men can enjoy the urban management.

Key words: *urban management contribution, women, juridical exploration*

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1. Introduction

The rapid growth of cities and urbanization and the expansion of urban life have caused problems that makes the active and effective presence of women in the fields of urban management more crucial than ever. Women as easily manage home affairs are small samples of Urban Affairs can have considerable effects at different levels of urban management. In Iran, women have little role in organizations related to urban management [5]. Public participation, particularly of women is a goal contemporary society. Although public opinion is sensitive to such things, but it is essential that emerged mechanisms and tools to facilitate this participation are used [26].

Meanwhile, in developing countries such as Iran, although the women have yet to have a significant impact on urban governance; Development of cities and urban management and assignment of tasks and new activities requires a comprehensive new look at this issue [12]. Executive responsibilities of the significant duties are related to the fate of all people and their destinies and failure to do so will cause losses, and carrying out this responsibility although has the emotional needs, but it requires more policy and attention to the end. In addition, key positions definitely requires a lot of hardships and problems and such assignment cannot be made to anyone but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male [24].

2. Theoretical Foundations

The difference between men and women in intellectual matters doesn't lie in the principle of perfection. Women may not reach a perfect man, the existence of the holy Messenger of Allah (pbuh), but many men also cannot achieve it such as prophets and many Imams and righteous people, this is not because they are female but because that is achieved only few and many men also have not reached it. Rational argument says that, two distinct object are differently scoring by outside causes or internal factors and external factors and if not various for internal factors, they are two kinds from one kind or two people from two forms of the two classes and not from one sex, because in this case the differences are substantial. Humans male and female are not different in terms of causes and factors and their ultimate origin is the subject and source is the same and religious that come to train them to both classes is the same and that the result that is rewarding for both is equal. On the causes and internal factors, there may be slight differences between men and women or those who claim such difference, ultimately, however, despite these differences, it does not imply that the basic characteristics and virtues of one is superior over the other. So, if someone from one hand examined the relationship between all spiritual virtues and particulate matter and it was perfectly clear to him that to achieve any particular virtue what part of the brain is necessary, and the most effective part was found in the male brain and it was not found in the women, then you can claim that, because of difference between male and female brain, as a result, the woman is inferior to man, while performing this reason is difficult and , this claim is unacceptable without reason. So, because of no difference in external factors, and there is no way to judge there is difference in the causes and internal factors, or at least warrant a difference is difficult, so we cannot say women is inferior to men for virtues. If someone claims to be a man is better for wisdom than women, he can never prove it, because neither experience nor proof shows it [6].

2.1. Employment of women according to the Quran and Sunnah

Study shows women's employment from the perspective of religious texts that Islam has no negative attitudes towards women's employment and economic and work at home or outside the home for women are not prohibited, but for women working outside the home, Islam has imposed provisions, if a Muslim

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woman is seeking employment, these Terms and Conditions shall be considered (for example, leaving home needs the permission of the husband, hijab and chastity, and privacy, lack of social corruption, lack of tenure of some specific jobs, and "In terms of judgment and serve in the army, the vast majority of jurists say that women cannot be the judge, as Allama writes in this regard: "Islam prohibits the judging for the woman"), it is a matter of objective look at the situation of women in the era of the Prophet (pbuh), women in all jobs that are widely popular at the time and were present. Women were in this period in occupations such as medicine, commerce and crafts [17]. In the days of ignorance, depending on the (culture) environments, women are given work permits for professional activities. Woman were in major economic activities in society and in the family or the living alongside man (himself and his family, if widowed or divorced), activity was agriculture and animal husbandry. To help families or feeding, women were engaged in handicrafts and the women, and were called "industrialist". What she wave or spin, as well as butter, oil or tanned skin, she sell, she was at work, both inside and limited, which was objects bought and sold in local markets or the public place and business place where she worked over the years and compromise to sell products or works of women who worked for him and what they are buying from the market. Some of the women were rich foreign trader. Compared with the rest of professions, commerce had the importance of certain positions and those who had a strong character and foresight and could have good relations and ties with the people were doing it. In addition to this, women were in intellectual and literary roles, and as the priest, the poet, philosopher and referee. If we see status of working women after Islam as continued status before it, and if Qur'an has no explicit verse on women working, the same is true for men. However, can we say it is prohibited for women to work? There are implications for the working women. Quran makes dowry religiously obligatory upon the man, accepts inheriting for women and assigns a certain proportion for inheritance for women in any status. These rights and assets are capital for the woman who needs to develop and grow. The Qur'an admits that she is legally qualified for contracting, buying and selling, mortgages. In the tradition whose tasks is explaining the content of the Holy Quran, there is no ban more about working women, but calls women to participate in the activities and duties, and was given emerging Islam as requirement of the new society. Non-litigation matters are of positions of the most important and most serious that an individual can undertake in Islamic society. Non-litigation matters have no limits. She can be delegated to a high level of confidence in the abilities and competencies of women in responsibility in the early days of Islam [15].

2 2. International instruments on women's rights

Before studying the text of the "Convention on the Elimination of All Forms of Discrimination against Women" as the most important international document, it seems appropriate that the international instruments in which they spoke of women's rights is also to be remembered:

1. Universal Declaration of Human Rights, adopted on December 10, 1948:

"Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. In all the time of marriage and at its dissolution, husband and wife in all matters relating to marriage rights are equal".

2. Other important international documents in which the emphasis is on women's rights are two international conventions:

A. The International Covenant on Civil and Political Rights

"States Parties undertake to observe the equality of men and women to the enjoyment of civil and political rights in the present Cove-

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nant. State Parties shall take appropriate measures for promoting equality of rights and responsibilities of spouses as to marriage, within marriage and at its dissolution".

B. International Covenant on Economic, Social and Cultural Rights

"Article 7, paragraph 1: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, it ensures that women have working conditions not below those of men and men receive equal pay for equal work". 3. Declaration of "Elimination of Violence against Women" of United Nations General Assembly Resolution 104/48 adopted on 23 February 1994 defends the rights of women, and prohibits any physical, sexual and psychological violence against women is, and its Article 4 reads:

"States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. Governments must use all appropriate means and without delay a policy of eliminating violence against women to the end. The followings are strategies should be pursued by governments. But the most important international document on the rights of women is the "Convention on the Elimination of All Forms of Discrimination against Women" adopted on 18 December 1979 at the United Nations General Assembly. The convention had caused among scholars and religious authorities, reflections, reactions and challenges; the most basic is based upon the principle of presumption that the treaty has formed the foundation upon women's equality with men in all spheres of life, including civil rights, personal, social, political, economic, educational, health, etc. that are represented in multiple articles paragraphs. Some of the articles that would be the most challenging among religious authorities are:

Article 1: The term "discrimination against women" in this Convention refers to any distinction, exclusion (deprivation) or restriction made on the basis of sex which has the aim of tarnishing result or cancel the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil fields or any other field for women, irrespective of their marital status and based on equality between women and men.

Article 2: States Parties condemn discrimination against women, agree without delay a policy to eliminate discrimination against women by all appropriate means l and are committed to the followings:

a. Inclusion of the principle of equality between women and men in the constitution or other relevant laws of each country, if not yet in order, and ensure the practical realization of this principle by legislation or other appropriate means.

B. Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

C. To establish legal protection of the rights of women on an equal basis with men and to ensure the effective protection of women against any act of discrimination through competent national tribunals and other public institutions.

D. Refrain from engaging in any act or practice of discrimination against women and guarantee compliance with these obligations by public authorities and institutions.

E. Take all appropriate measures to eliminate discrimination against women by any person, organization or private enterprise.

F. Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and methods, which constitute discrimination against women.

G. To repeal all national penal provisions which give rise to discrimination against women.

Article 7. Member States shall eliminate discrimination against women in political and social life of the country and to take all appropriate measures, in particular those that will ensure the following rights on equal terms

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with men for women:
Participation in the formulation of government policy and the implementation thereof and assignment to public office and cohesion of all the responsibilities of governments at all levels of government.
Article 10. Member States shall guarantee women equal rights with men in the field of education, to take any action to eliminate discrimination against women, particularly based on equality between women and men and will ensure the following:
a. The elimination of any stereotyped concept of the roles of women and men at all levels and in various forms by encouraging coeducation and other types of training methods that achieve this goal possible and especially school curriculum and adapting training methods.
B. The same opportunities to benefit from scholarships and other educational benefits.
G. Creating equal opportunities to participate actively in sports and physical education.
Article 15. Member States shall give to men and women equal protection under the law relating to the movement of persons and freedom to choose their residence and domicile.
Article 16: States Parties, in order to eliminate discrimination against women in all matters relating to marriage and family relations and in particular, shall take all appropriate measures on the basis of equality of men and women and will ensure the following:
A. Equal rights and responsibilities during marriage and at its dissolution.
B. Equal rights and responsibilities regarding guardianship, custody, guardianship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.
Article 24. States Parties shall undertake to adopt all necessary measures at the national level aimed at the full realization of the rights recognized in the present Covenant.
The remarkable thing is the International Convention aims to restore the "equality" rather than bringing justice to people and identify equality with justice, while these two concepts are two different instances, sometimes equality is justice and sometimes against justice; wisdom and divine revelation calls us to justice, not equality. Islamic law is contrary to the provisions of any law that doesn't conform with the interests of the Muslims, or place the honor of Islam and Muslims at risk, thus such law shall not have credit religiously and it is not permissible to obey it and it abolishes automatically [20].
Some scholars (Ayatollah Makarem Shirazi, Ayatollah Ostadi, Ayatollah Sobhani, etc.) depend joining the Convention on voting against the resolution of certain provisions that are against Islamic absolute rules, and also by participating in the international community, it can be proved by logic and reasoning that some discriminations in Islam against women are based on natural differences and fine nature of women and their internal desires. What seems important is that indeed is mission and responsibility of religious scholars and institutions in this area and similar matters and just being content with the ban and sanctions will not be helpful, and to develop solutions and alternative patterns is very critical. The distinction of Islam with international documents and conventions on women's rights and issues will return to this point.
In the West, the prevailing attitude on women's rights is the equality of the sexes is in all respects and values, inevitably such an attitude makes the rules, rights, duties and responsibilities of women and men absolutely similar and equal; but if the facts and the existing capacities and also features of men and women are considered, it clearly shows that the ability and efficiency of justice-oriented vision is more than equity oriented attitude; they consider equal rights for women, proportionality and legal differences and tasks are fully seen and have just named it something else. Unfortunately, although the Convention on the Elimination of All Forms of Discrimination against

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Women has efficiency claim, but the laws and rights of women, most efficient working mechanism, namely, taking into account the psychological, physical, social, economic and cultural realities are ignored. Instead of proportionality of rights, equal rights in all respects and fields are considered, the result, if not denying the facts, is making facts uniform and this is an impossible. Therefore, the legal system on the basis of such a convention and documents in the case of women, because is away from the facts, in addition to creating social ills, is not run successfully. Today in society that claim that will follow this Convention in the legislative and administrative process, according to their own sociologists, participation and representation of women in positions of political, administrative, economic, social, employment, income, etc. is not equal to men. Therefore, the Convention on the Elimination of Discrimination against Women is wrong in terms basis and theoretically, and also in operational and administrative terms, it contains inhibitors that cannot be removed [27].

2.3. Comments of scholars on women's employment and management

Female employment is the subject of disagreement between jurists. In such a way that some give women Employment Authorization and some also believe the ban on female employment, the former say that the woman is not prohibited from any job and Islam's always the woman to participate in social activities and to assume top positions in social and administrative tasks and the transfer of positions to women in the early days of Islam (Shafa, the daughter of Abu Sulaiman was responsible for finances and property market of Medina), which is confirming indicator for women's right to work [3].

Prophet (PBUH) endorsing and encouraging female employment and the impact of the presence of women in various jobs and the continuation of this situation in a few decades after the advent of Islam caused some jurists have strong and clear views about the employment of women, stating that if women work for a while before marriage, such work is allowed even if against interests of his husband and marital right and in this judgment there is no difference whether husband knows or does not know the woman's work at the marriage [23]. Abu Hanifah Hanafi religious dignitary agreed with female employment and their working as judge and Ibn Jarir Tabari also explicitly stated that if women have profession like midwifery, even if the husband's permission is not there, it is obligatory on her to do this job, and the husband cannot prevent, he also accepts the judgment of women in all issues [4].

But another group of jurists absolutely prohibited women employment and believe that it is clear that women cannot openly do business because it is corruption and going out is dependent on the permission of her husband; unless the parent of female are patients and female wants to go visit them and in other cases if a woman goes out without permission is disobedient [2].

Some also believe that in the system of nature, man is superior to woman and hence no approval should be done with women's work; which otherwise agreeing with the woman is against the orders of God and nature requires a woman to become pregnant, and does breastfeeding, parenting and housework [9].

In examining the views of some scholars, the major reason for banning women from working in the mentioned two things:

1. Employment of women cause mixing with unrelated men and this is a strong prohibition of Islam and demands of women's work is due to preventing mixing them with foreign men; because it endangered the men and women religion and destroys them [14].

2. The woman getting out of the house obscures another important task that is parenting and caring for husband. In this case, it is clear that following the conflict between these two, the first priority is what woman was created for. In addition, a method that is acceptable

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to Islam is women staying at home because the requirements of family life and for that prohibited women from working outside the home [28].

According to what was said, the comments concerning the employment of women can be summarized in three points:

2.3.1. Proponents of female employment in absolute terms

According to this group, female employment is lawful and legitimate because generally to follow the verses of the Qur'an, it legitimate right to do any work by woman and accordingly there are explicit verses that women are equal to men in their work and this was considered a natural right. Without any precondition, it is verified. According to them, being homebound and lack of participation by women and opposition to women's work is not ordered by Islamic. In addition, in the words of the Prophet and the Imams, there are no explicit words on the prohibition of employment of women, the woman should be involved in the fundamental rules of the country and its management rather than sitting at home and not coming out of it, so the job is not contraindicated for women.

2.3.2. Proponents of conditional female employment

According to them, employment of women authorized and lawful conditionally. They say the work of women is motherhood and childrearing and anything that does not affect this is legitimate; but rules should consider facilities for women to ensure no damage to the duties of a mother who works outside the home. However, women should maintain social activity and aspect of their motherhood.

The Group also operates a belief in the legitimacy of women's work, consider her family more sacred than anything else and to remind women that their family a priority and then their social responsibilities. The choice of jobs for women is not always absolute and sometimes can be conditional, but the career choice that is incompatible with her social status is prohibited.

2.3.3. Opponents of the employment of women

According to these groups, women are prohibited from engaging in any business. Believers in this view believe that women's employment not only leads to moral decay in society but also believe that female employment is not allowed. Because she thus is not spending time at home, when man works for a living,

She no longer needed to work, and in exchange for such suffering, women should stay at home and are responsible for household work.

2.4. Civil Code and female employment

Women's employment in the civil law is considered as rights and duties of the couple's chapter. The civil code regarding the employment of women is based on the rights and duties that spouses have against each other. In this regard, article 1117 of civil code provides as follows:

"Husband can ban his wife from job inconsistent with the family interests or prestige." When a woman who works, according to said article, her job must not be contrary to the interests of the family first of all and second, it must not be incompatible with the dignity of the woman or her husband. Unfortunately, clear rules of civil code in what job that is incompatible with the interests of the family are not provided. Thus, judgment is based on the customary law (customary law provides that employment of women in the laundry while her husband or the wife who has good family social position and culturally appropriate status is incompatible with family interests), in addition, issues such as weakening the foundation of the family, while trying to consolidate it is according to 1104 is duty spouses and impairment of children's education in accordance with Article 1168 of the same code shall be the right and duty of the parents. Also criteria for opposing of job of wife to dignity of husband are not clear, therefore, it may be legitimate jobs but at the same time is incompatible with the interests of the family

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or prestige of couples. However, according to legal experts, certain framework for the specifying the provisions stated in article 1117 of civil code cannot be provided and the above mentioned parameters are not the same in all customs and public morality and the specific situation of each family in this arbitration is effective [19]. As for authority to specify inconsistence of the interests of the family and the dignity and the woman's job is husband under civil code, but with the passage of Article 15 of Family Protection Law of 1967, as well as Article 18 of the same law adopted in 1974, the legislator has limited the authority of the man on the right to work and it has left it to the court to decide, and there is no abrogation of this seen in the current Iranian laws and the rule of non-religious nature of some articles by Constitutional Council does not include these articles [22].

2.5. Women's Participation in Urban Management

The success of urban management system depends on developing of a culture of citizenship and citizen participation in city governance. For this purpose it is necessary for urban democracy to be established, because urban management system makes sense when it interacts with society and citizens. Participation in urban management is a process in which participants take part in a set of programs and policies, and interact and influence each other. Nowadays a new concept of citizenship and citizen engagement is employed. This concept is now of the pillars of sustainable urban development and management. Citizen participation, however, is not possible via obligation-oriented view as passive residents of the city and without involving them in decision-making and governance [26].

The action theory is the most famous and important theory that has been proposed in the context of participation. According to the theory of justified actions, behavior is more predictable and understandable when that we look at intent of person in the behavior. Behaviors appear rather because people think of outcome of their actions and take logical choice for taking some outcomes and avoiding others. Collective action by a person is when he plans to participate on the one hand and on the other hand, participation is made possible for the individual. The first effective structure of intent to participate is individual's information about participation. The second structure is one's perception of the consequences of participation. The third structure is a value judgment on the outcomes expected from participation. For example, if one has no value for participation while considering its outcome to be increased social presence, his evaluation of participation will not be positive. Set of above three structures causes the individual to tend to participate. If all the aforementioned factors are favorable, intend to participate emerges. But intent to participate is not enough and participation possibility is also needed. When people are going to participate and share, but they don't feel safe to do so, teamwork is very difficult and rare phenomenon [1].

The government should establish strong structures and provide the necessary participation. In developed countries in recent decades, constantly rules for accelerating and deepening participation are developed and are continually updated and women as half of all social actors are always considered in various aspects as one of the axes of debates of social scientists. Women's participation has enormous capacity growth of collectivism, social cohesion and ultimately dynamics, and for the social change dynamics to be in evolutionary path, importance should be given to women's participation in various social institutions. Educational role and influence of women in the family can be the basis for many of the reforms in urban management. A generation brought up by mothers who are educated and committed to the health community will be responsible generation. Interest in participation in public affairs and public were also very influenced by family upbringing; if are other acquired other

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properties. But the effectiveness of women as mothers and depends on empowering formal and informal education; Because our traditional culture see women's duty in family and today for transition from such limitation, tools of awareness and empowering are required. Also, issue of neighborhood and city categories are categories beyond family and created new horizons for women. So if you want to ensure appropriate share for women to maintain a healthy community, empowerment and education should be taken seriously by the authorities and beyond the slogan, they must create and institutionalize its mechanisms [18].

3. Discussion & Conclusion

One of the important issues in urban planning is participation of people in different parts and planning and urban management also plays an important role in the social macro planning, and ignoring the part of the citizens as the women in urban management creates problems for sustainable participation. Among the main problems and grievances of women in society is that policy-makers, planners and decision makers of cultural, social, political and economic affairs provide programs for women with no needs assessment.

This process prevents the growth of their social character and in various fields of urban planning, views, ideas, desires and needs of women are not used, While traditional social activities have been abandoned in modern societies. Urban areas have a high capacity to generate new forms of social cohesion. So women can play a major role as leaders or active participants in local social cohesion. Experience has shown that the role of women in local politics has increased social participation and involvement. Because women pay attention to the dimensions of social groups and this trend creates long-term urban development that is comprehensive and sustainable.

On the other hand, shariah provides no valid reason to prohibit women from executive and management positions, even some cases can be used to prove that the women were from the beginning of the Islamic era in the political and military administration and have active participation in them. Executive responsibilities are of the significant duties that are related to the fate of all people and their destinies and failure to do so will cause losses, and carrying out this responsibility, although has the emotional needs, but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male but so we must be sure to look away from the gendered view, and choose people according to their personal talents, executive positions with qualified individuals female or male. Many jurists believe that one of the conditions set by the Qur'an for tenure of key positions is "virility". The jurists to prove such a condition, in proportion to any theme, have provided a variety of anecdotal evidence and non-verbal evidence. Given that the evidence adduced for condition of virility are inadequate; reference must be made to conduct of Imams (AS) and the signing of rational practice and the principle of "universal participation in the affairs" and to permit women's tenure. So, if a lady has condi-

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tions for tenure of executive positions, such as urban management, she can do it.

4. Women's urban management challenges and obstacles

According to some, worldwide research achievements insist on the existence of glass ceiling preventing women to top management positions in the organizations and institutions. It should be noted that the term "glass ceiling" was used for the first time, in 1970, in the United States. The term used to describe the invisible artificial barriers preventing women to top management jobs. According to the International Labour Office, the term is an appropriate description to the dilemma of women as despite recent advances still a glass ceiling is not broken. However, this implies that the West, after the slogan of equality of women and men, has been unable to realize its own slogan in practice. For this reason, it has failed to find way for the equitable distribution of managerial jobs. But what is certain is that there are social and cultural barriers that are main cause of lack of access for women to jobs in urban management. Social attitudes and wrong vision of society in relation to the inadequacy of women in management posts have caused women with ability and higher education cannot have a significant contribution in urban management.

5. Solutions to eliminate the barriers to women's management

Since women are half the world's human capital, their expertise and know-how should be best used and allowed them to manifest their own capabilities, so that the community reach as soon as possible the development. As was stated, women's urban management is one of issues that have many obstacles ahead, and yet its place in society is not as it should be. Therefore, to eliminate or reduce these obstacles, following actions on training and support are needed:

1. Informing the community on the capability of women to run part of the community is one of the main demands in this regard that should be given consideration.
2. Training the fact that in some cases, urban management by women seem necessary.
3. Explaining the fact that women can work outside alongside home management and home affairs and should assume a useful role, and the two would have no way be in contradiction with each other.
4. Another important point is that men should have support role for women so to have an active and educated woman, who is able to achieve job promotion, and thereby contribute to the improvement of society, because as successful male managers are supported by devoted women, women's success also needs the cooperation and support of men.
5. Government support for women to improve their urban management levels may be other way to remove barriers to women's urban management. If the state supports qualified and efficient women and delegate to them their proper place, women enjoying their strength and talent, and with proper management, can have an important role in enhancing the development of the city.

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